



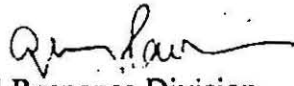
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DATE: MAR - 7 2008

SUBJECT: Request for Action Ceiling Increase, 12-Month and \$2 Million Exemption for the CERCLA Removal Action at the Tidewater Baling Site, Newark, Essex County, New Jersey

FROM: Donald R. Graham, On-Scene Coordinator
Removal Action Section

TO: Alan J. Steinberg
Regional Administrator

THRU: George Pavlou, Director 
Emergency and Remedial Response Division

Site ID: 4N

I. PURPOSE

The purpose of this Action Memorandum is to request and document approval of the proposed removal action ceiling increase and 12-month and \$2 million exemption as described herein for the Tidewater Baling Site ("Site"), located at 26 St. Charles Street in Newark, Essex County, New Jersey, 07105. This removal action addresses the excavation and off-site disposal of lead and polychlorinated biphenyl ("PCB") contaminated soils on the Site. This is the second removal action implemented by the Environmental Protection Agency ("EPA") at the Site. The first Action Memorandum, dated July 28, 1989, can be found in Appendix A.

This Action Memorandum requests the authorization of \$3,462,348 in Direct Extramural Funds, of which \$2,785,290 is from the Regional Removal Advice of Allowance for mitigation contracting. If approved, the total Direct Extramural project ceiling would be increased to \$3,512,348, of which \$2,835,290 would be for mitigation contracting. Conditions at the Site continue to meet the criteria for a removal action under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), and documented in Section 300.415(b)(2) of the National Contingency Plan ("NCP").

There are no nationally significant or precedent-setting issues associated with this removal action.

II. SITE CONDITIONS AND BACKGROUND

The Comprehensive Environmental Response, Compensation, and Liability Information System identification number for the Site is NJD011534708. The proposed removal action is considered time-critical.

A. Site Description

1. Removal site evaluation (RSE)

The EPA Removal Action Branch ("RAB") received a request from the New Jersey Department of Environmental Protection ("NJDEP") on September 25, 2006 to evaluate the Site for a CERCLA removal action. This request is included as Appendix B.

Pursuant to this request, the RAB's Removal Assessment and Enforcement Section ("RAES") conducted a site investigation in April 2007, which included the collection of 19 on-site and off-site surface soil samples. Analysis of the six on-site surface soil samples collected from the sloped area near St. Charles Street revealed lead concentrations ranging from 895 parts per million (ppm) to 3,790 ppm. The six off-site soil samples collected from the sidewalk right of way, located down gradient of the sloped area, identified maximum lead concentrations ranging from 79.3 ppm to 572 ppm. Soil samples collected from oil-stained areas at the rear of the facility revealed the presence of lead, copper, zinc, and PCBs at concentrations of 17,700 ppm, 1,670 ppm, 7,150 ppm, and 31 ppm, respectively. These analytical results and the historical Site information are summarized in the Removal Site Evaluation ("RSE") dated November 14, 2007. The RSE documents those factors which support conducting a CERCLA removal action, as described herein, to address the potential threats associated with direct contact with hazardous substances posed to the community adjacent to the Site and to persons illegally entering the Site. The RSE is included as Appendix C.

The New Jersey Department of Health and Senior Services ("NJDHSS"), through a cooperative agreement with the federal Agency for Toxic Substances and Disease Registry ("ATSDR"), prepared a Letter of Technical Assistance for the Site. This letter, dated July 25, 2007, provided an evaluation of the potential health risks posed by lead contaminated soil detected at the Site, and provided recommendations for the elimination of potential exposure to site-related contaminants by area residents. This letter can be found in Appendix D.

Since the completion of the RSE, RAB's Removal Action Section ("RAS") has conducted two additional sampling events at the Site to supplement the existing sampling data.

In December 2007, RAS conducted sampling of equipment and building interiors to determine if lead and/or PCBs are present at concentrations that pose a risk to the public. This investigation was initiated because it appeared that squatters were inhabiting the buildings for shelter.

Nineteen wipe samples and ten soil/sediment samples were collected from the interiors of the buildings and on exterior equipment located on the Site. All 19 wipe samples had concentrations of lead ranging from 3 micrograms per 100 centimeters squared ($\mu\text{g}/100\text{ cm}^2$) to $5210\text{ }\mu\text{g}/100\text{ cm}^2$. Twelve of the wipe samples had concentrations of PCBs ranging from $0.57\text{ }\mu\text{g}/100\text{ cm}^2$ to $15\text{ }\mu\text{g}/100\text{ cm}^2$. All 12 of the soil/sediment samples had detectable lead concentrations ranging from 247 ppm to 5400 ppm. Seven of the soil/sediment samples revealed detectable PCBs at concentrations ranging from 1.1 ppm to 43 ppm.

In January 2008, RAS performed sampling of the Site soils to determine the concentration of lead and PCBs at a depth of two feet below grade. This sampling event was initiated to document the concentrations of lead and PCBs that will remain on the Site after the completion of the EPA removal action. RAS collected 20 soil samples from test pits at a depth of two feet. Seventeen of the samples had concentrations of lead higher than 400 ppm, ranging from 470 ppm to 23,000 ppm. PCBs were also detected in all 20 of the sampling locations at concentrations ranging from 0.13 ppm to 70 ppm.

2. Physical location

The Site is located at 26 St. Charles Street in a mixed residential and commercial portion of Newark, Essex County, New Jersey. The Site covers approximately 2.5 acres and is bordered by Conrail to the north, St. Charles Street to the west, and the Ironbound Recreation Center to the south. A number of industrial facilities are located north of the Site. The closest residence is approximately 100 feet from the Site to the southwest, and several thousand residents are located within a quarter mile of the Site. A Site location map is included as Figure 1 in Appendix E.

3. Site characteristics

Beginning in 1945, operations at the Site consisted of reclaiming and baling scrap metals. These activities continued through early 2000, when the operations ceased. During the operational period of the facility, oil from the reclamation/baling process was discarded on the site soil.

There are several abandoned structures on the Site which include an office, a warehouse, a garage, two balers, a baler control building and compacting/baling equipment. Two pits are located on the property and were used to contain oils generated during the compacting/baling process. One pit is located at the east end of the Site near the new baler control building and the other pit is located near the west end of the Site near the old baler. A site map is included as Figure 2 in Appendix E.

Except for the asphalt and cobble driveway at the entrance to the facility, the majority of the Site is soil covered. A concrete retaining wall separates most of the Site from the adjoining properties except for the entrance to St. Charles Street, and an area at the rear of the facility where a railroad spur enters the Site. A deteriorated brick wall spans a portion of the frontage along St. Charles Street.

Soils in various portions of the Site appear to contain ash, and fine metal particles and shavings. Other areas have visible petroleum staining, especially around the baler pits and process equipment. There are three empty 10,000 gallon steel tanks at the east end of the facility. Within 50 feet of this area there are approximately 40 empty, plastic drums, and one open-top metal drum filled with oil booms and overflowing oily-water.

EPA personnel visiting the Site during the RSE process have observed persons on-site digging through contaminated surface soils in search of metal debris and squatting in the on-site warehouse.

The removal action proposed in this Action Memorandum will be the second removal action implemented by EPA at the Site.

4. Release or threatened release into the environment of a hazardous substance, or pollutant, or contaminant

The Site is defined as a facility under section 101(9) of CERCLA, 42 U.S.C. § 9601(9), and hazardous substances in the soil at the Site constitute a "release," as defined in Section 101(22) of CERCLA, 42 U.S.C. Section § 9601(22). Sampling and analysis conducted at the Site by EPA have identified the following CERCLA hazardous substances as defined in 40 CFR Table 302.4.

<u>Hazardous Substance</u>	<u>Statutory Source for Designation Under CERCLA</u>
Lead	Clean Water Act §307(a) Clean Air Act §112
PCBs	Clean Water Act §311(b)(2) and §307(a) §311(b)(2) Clean Air Act §112

EPA's RSE identified elevated levels of lead and PCBs in soils on the Site. Surface soil samples collected from the Site during the RSE identified lead concentrations ranging from 895 ppm to 17,700 ppm and PCB concentrations from 1 ppm to 31 ppm. During December 2007, soil samples collected from test pits at a depth of two feet identified lead concentrations that ranged from 110 ppm to 23,000 ppm. PCBs were also detected at concentrations ranging from 0.13 ppm to 70 ppm.

After a period of heavy rain that occurred during the RSE, surface water was observed draining from the sloped area, located on the western portion of the Site, onto St. Charles Street. Samples

collected from this discharge area along St. Charles Street revealed lead concentrations ranging from 79.3 ppm to 572 ppm. Surface water runoff from the eastern portion of the Site drains into a low-lying area located on the adjacent Ironbound Recreation Center. This area often overflows during heavy periods of rain and enters a surface drain which the Newark Department of Engineering has identified as a possible dry well. Sampling conducted by EPA and the NJDEP confirmed that this low-lying area is contaminated with PCBs and lead which are linked to the Site. The NJDEP is the lead agency for addressing this area of concern, and is working towards its resolution in consultation with the City of Newark.

5. NPL status

The Site is not on the National Priorities List ("NPL"), and there are no efforts underway to include the Site on the NPL.

6. Maps, pictures and other graphic representations

Figures 1 & 2 are included in Appendix E and provide the general location and configuration of the Site.

B. Other Actions to Date

1. Previous actions

In 1986, under order from the NJDEP, the Tidewater Baling Corporation ("Tidewater Baling") reportedly excavated soils contaminated with PCBs and heavy metals from the scoreboard area of the ball field which adjoins the Site ("Scoreboard Area"). However, these actions failed to address the source of the contamination.

In 1989, pursuant to the Action Memorandum dated July 20, 1989, included as Appendix D, EPA performed a CERCLA removal action at the Site which included 1) the installation of fencing to limit access to the low-lying area adjacent to the eastern boundary of the Site property where contamination from the Site had migrated, and 2) the placement of berms and booms to restrict the migration of oily discharges from this area. These activities were performed within the Scoreboard Area located on the adjacent Ironbound Recreation Center.

In 1992, Tidewater Baling signed an Administrative Consent Order ("ACO") with the NJDEP to conduct a Remedial Investigation/Feasibility Study and to remediate the contaminated soil. A Remedial Action Work Plan was approved by the NJDEP in 1997 which called for a limited cleanup involving excavation of 2,000 tons of soil to an approximate four foot depth. This action was never implemented.

The New Jersey Schools Construction Corporation completed a site investigation at the Site in 2003 to evaluate the property for a new public high school. Fifteen test pits were excavated to between 4.5 to 8.5 feet in depth. Six borings were drilled to approximately 9.5 feet. Surface and subsurface soil samples were collected. Elevated levels of heavy metals, PCBs, and petroleum hydrocarbons were identified. According to the investigation, except for certain limited areas, it appears that most of the significant heavy metal and PCB soil contamination was identified at the surface to a depth of four feet. The property was not selected for construction since it was estimated that approximately 45,000 cubic yards of soil would require excavation at an estimated cost of five to seven million dollars.

In May 2005, the NJDEP initiated a response action at the Site to remove oil from the baler pit; excavate limited areas of oil-saturated soil; and remove and dispose of cylinders, and drums and tankers filled with petroleum products and hazardous waste. In July 2006, the NJDEP completed the installation of a 465-foot fence with two gates at a portion of the unsecured Site along St. Charles Street, which was the primary access for trespassers to the Site. Later that year, additional fencing was added to encompass the entire Site except for a small area at the rear of the Site, near an inactive railroad spur.

In September 2006, the NJDEP requested that the EPA consider a CERCLA removal action at the Site. EPA's planned removal action is the subject of this document.

In April 2007, EPA collected on-site and off-site surface soil samples and three wastewater samples. The on-site soil samples were collected from oil-stained areas as well as along the western portion of the Site where the potential for contamination to migrate onto St. Charles Street via storm water runoff appeared to be the greatest. The off-site soil samples were collected along St. Charles Street in order to determine if contamination had migrated from the Site.

2. Current actions

There are no ongoing actions to secure or remediate the Site. The removal action requested herein, if approved, will provide for the removal of contaminated soils to a depth of two feet and installation of a one foot crushed stone cover. This action will control surface water drainage and minimize the off-site migration of hazardous substances and the potential for direct contact to the hazardous substances by trespassers. The proposed actions for implementing removal of the contaminated soils are described in Section VI of this document.

C. State and Local Authorities' Roles

1. State and local actions to date

Beginning in the mid 1980s, the NJDEP initiated several efforts to address contamination on the Site. These actions included the following:

- February 1989.....Requested that the EPA consider a CERCLA removal action at the Site. EPA's implementation of this action, as described in the previous action section, was completed in September 1989.
- 1992.....Signed an ACO with Tidewater Baling to conduct a Remedial Investigation/Feasibility Study (RI/FS) for remediation of the Site. The RI/FS resulted in the development of a Remedial Action Work Plan which was approved by the NJDEP in 1997. The Work Plan called for a limited excavation of contaminated soil. This action was never implemented.
- May 2005.....Initiated a response action addressing the removal of oil from the baler pit; the excavation of a limited area of oil-saturated soil; and, the removal and disposal of cylinders, drums, and tankers filled with petroleum products and hazardous waste. The following year, the NJDEP installed perimeter fencing as a means of limited access by trespassers.
- September 2006.....Requested that the EPA consider a CERCLA removal action at the Site. EPA's planned implementation of this action is the subject of this document.

The New Jersey Schools Construction Corporation completed an investigation of the Site in 2003 to evaluate the property for the construction of a new public high school. Due to the excessive remediation costs, it was determined to remove the Site from consideration for construction of the school.

2. Potential for continued State/local response

There are no actions planned or being taken by the State or local government agencies to address the hazardous substances present on-site.

III. THREATS TO PUBLIC HEALTH, OR WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Conditions at the Site meet the requirements of Section 300.415(b) of the NCP for implementation of a CERCLA removal action. The following criteria are directly applicable to the threats which exist at the Site due to the presence of lead and PCBs.

Lead is a cumulative poison where increasing amounts can build up in the body eventually reaching a point where symptoms and disability occur. Particularly sensitive populations are women of child-bearing age, due to the fetal transfer of lead, and children. Cognitive deficits are associated with fetal and childhood exposure to lead. An increase in blood pressure is the most sensitive adverse health effect from lead exposure in adults. Effects on the kidney, nervous system and heme-forming elements are associated with increasing blood lead concentrations, both in children and adults. Other symptoms include: decreased physical fitness, fatigue, sleep disturbance, aching bones, abdominal pains, and decreased appetite. The relationship between soil lead concentrations and the consequent impact on blood levels in children has been studied through numerous epidemiological studies. Based on these epidemiological studies, it is generally believed that persistent exposure to soil-borne lead results in an increase in blood lead levels (in children) of 1 to 9 ug/dl per 1,000 ppm lead in soil. Although this relationship may become less robust as exposure durations decrease and soil lead levels increase, it nonetheless provides compelling evidence of the potential lead hazard associated with the excessive lead concentrations found in the soil at the Site. The Letter of Technical Assistance by NJDHSS, in cooperation with ATSDR, dated July 25, 2007, confirmed that the lead concentration present in the soils at the Site pose an exposure threat to area residents.

PCBs are readily absorbed into the body by ingestion, inhalation, and dermal exposure following ingestion of dust or soil, inhalation of PCB-laden dust, or direct dermal contact with PCBs in soil or dust. They may persist in tissues for years after exposure stops. Chemical acne, dark patches on skin, burning eyes and skin, and unusual eye discharge have been reported by all routes of exposure. Generally, onset may not occur for months. These effects may last for months. Liver damage and digestive disturbance have been reported. PCBs may impair the function of the immune system and at high levels have been shown to produce cancer and birth defects in laboratory animals. Although PCBs are suspected as a human carcinogen, they have a very low potential for producing acute toxic effects. PCBs bioaccumulate to concentrations that are toxic. A number of human studies indicate that PCBs can cross the placenta and locate in the fetus. PCBs also concentrate in human breast milk.

A. Threats to Public Health or Welfare

(i) Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances, or pollutants, or contaminants;

CERCLA hazardous substances, including lead and PCBs, have been identified in the soils on the Site and, along the sidewalk area along St. Charles Street. Residences are located less than 100 feet from the Site, and individuals, including children, have been observed walking along the Site's frontage on St. Charles Street. Furthermore, observations by EPA personnel indicated the Site is being accessed by trespassers, who have been observed scavenging for scrap metal and using the abandoned buildings for shelter. There are numerous locations along the perimeter of the Site that are accessible to trespassers.

Individuals who enter the Site could be exposed to hazardous substances. Potential exposure pathways include incidental soil ingestion, dust inhalation, and direct contact.

- (iv) **High levels of hazardous substances, or pollutants, or contaminants in soils largely at or near the surface, that may migrate;**

Elevated levels of hazardous substances are present in surface soils on the Site. Surface water from the Site drains in the easterly and westerly directions. Based on topography and lead concentrations in soil, it appears that contaminated soil is migrating off-site via storm water runoff and collecting along the sidewalk and curb areas on St. Charles Street. During dry and windy conditions this material could potentially become airborne.

- (v) **Weather conditions that may cause hazardous substances, or pollutants, or contaminants to migrate or be released; and**

During heavy or sustained rainfall events, storm water runoff from the Site flows onto St. Charles Street, aiding the transport of contaminated soil. Elevated levels of lead were found in the off-site surface soil samples collected along the sidewalk area of St. Charles Street where runoff material from the site collects.

- (vii) **The availability of other appropriate federal or State response mechanisms to respond to the release.**

The EPA is the only government agency capable of taking timely and appropriate action to respond to the threat posed by the presence of hazardous substances at the Site.

B. Threats to the Environment

Surface soils contaminated with lead and PCBs continue to provide a threat of release. These contaminants have the potential to migrate off-site through tracking, water drainage and/or wind transport.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health or welfare or the environment.

V. EXEMPTION FROM STATUTORY LIMITS

A. Emergency Exemption

- 1. There is an immediate risk to public health, or welfare or the environment;**

The Site can not be secured against trespassers, who will come into direct contact with contaminated soils. Hazardous substances present within the soil will continue to migrate due to wind and surface water drainage, thereby posing an immediate risk to the public health and the environment.

- 2. Continued response actions are immediately required to prevent, limit or mitigate an emergency; and**

Eliminating the threat of direct contact with the contaminated soils at the Site is necessary to limit further exposure to trespassers. The time required to conduct these response actions is estimated to be two to three months from authorization of the funds requested herein.

Continuing the response action by removing the upper two feet of contaminated soil and installing a one foot crushed stone cover over the Site will prevent direct contact with contamination and limit the migration of contaminants off-site via wind and surface water drainage.

- 3. Assistance will not otherwise be provided on a timely basis.**

There are no State or local response actions planned to mitigate the threats posed by the Site. The Site was referred to EPA by the NJDEP on September 26, 2006. EPA has assumed the lead role in mitigating the threats posed by the Site by implementing the response actions proposed in this memorandum.

VI. PROPOSED ACTIONS AND ESTIMATED COST

A. Proposed Actions

- 1. Proposed action description**

The purpose of this removal action is to eliminate the threat of direct contact with lead and PCBs posed to the public and the environment by surface soils at the Site which are contaminated with

hazardous substances including lead and PCBs. The action will serve to limit the potential for off-site migration of contamination via surface water drainage and windy conditions. Upon approval of this Action Memorandum, EPA will initiate the removal action as follows:

- Site security will be provided to prevent unauthorized access to the Site.
- To facilitate the logistics associated with the excavation and transportation and disposal ("T&D") of approximately 11,000 tons of contaminated soil; and the delivery of 5,000 tons of ¾" crushed stone, two of the four on-site buildings (i.e., warehouse and garage) will be demolished. The building debris will be segregated and disposed of off-site accordingly. The remaining two structures (i.e., office and baler control building) will be cleaned of gross contamination and secured against trespassers.
- Site features which are an impediment to the excavation activities (i.e., balers, crane, rail spur, and miscellaneous debris) may be decontaminated, removed, and disposed or recycled off-site. Wipe samples collected from the baling and compacting equipment revealed maximum PCB concentration of 15 µg/100 cm². Trace levels of PCBs were detected in all of the buildings except for the office building at the north end of the Site. Removal of the two balers will include the removal of liquids and debris from within the associated baler pits, one of which is alleged to extend 30 feet below grade. Once the pits have been cleaned, they will be filled with crushed stone and the structures demolished to a depth of two feet below grade.
- The excavation of an estimated 11,000 tons of lead and PCB contaminated surface soils will be conducted to a depth of two feet below existing grade throughout the unpaved portions of the Site. Delineation sampling performed subsequent to the completion of the RSE, determined that the excavation of contaminated soils to this depth will accomplish an approximate 40% reduction in lead concentrations (pre-excavation average 8,370 ppm and post-excavation average 5,281 ppm). PCB concentrations will not be reduced (pre-excavation average 16 ppm and post-excavation average 22 ppm). The excavated soils will be removed in a manner which accomplishes the segregation of PCB contaminated soils (>50 ppm) which are regulated under the Toxic Substance Control Act.
- A dust control program including the application of a water fog and the installation of physical barriers will be initiated during all Site activities to control dust.
- Air monitoring will be conducted to monitor the effectiveness of dust suppression activities.

- Upon completing the excavation of contaminated soils, a visible barrier will be installed at the base of the excavation and the Site backfilled and re-graded with one foot of $\frac{3}{4}$ " crushed stone. The existing contours of the Site will be maintained throughout the excavation and backfilling process to maintain established drainage patterns.

2. Contribution to remedial performance

The response measures proposed in this Action Memorandum will address the threat of direct contact to hazardous substances by the public. The proposed action will contribute effectively to any long term remedial action with respect to the release or threat of release of hazardous substances at the Site.

3. Description of alternative technologies

Alternative technologies have been considered in terms of whether the technology provides timely response and protection of human health and the environment. Due to the quantities and types of hazardous substances at the Site, on-site treatment and/or incineration is not appropriate. The planned removal action is appropriate based upon the criteria of effectiveness, implementability, and cost.

4. Engineering evaluation/cost analysis ("EE/CA")

Due to the time critical nature of this removal action, an EE/CA will not be prepared.

5. Applicable and relevant and appropriate requirements ("ARARs")

ARARs within the scope of this removal action, including the Resource Conservation and Recovery Act, Toxic Substance Control Act, and the Hazardous Materials Transportation Uniform Safety Act regulations that pertain to the disposal of hazardous wastes, will be met to the extent practicable. The Occupational Safety and Health Act regulations, that pertain to health and safety, will be met to the extent practicable.

6. Project schedule

The removal action will be initiated immediately upon approval of this Action Memorandum. It is expected that the removal action can be completed in approximately three months.

B. Estimated Costs

The estimated costs for the completion of this project are summarized below. A breakdown of Regional Removal Allowance costs are included as Attachment A.

Direct Extramural Costs	Current Ceiling	Additional Funding Requested	Current Proposed Ceiling
Regional Allowance Costs	\$ 50,000	\$ 2,321,075	\$ 2,371,075
20% contingency	---	\$ 464,215	\$ 464,215
Total ERRS Costs	\$ 50,000	\$ 2,785,290	\$ 2,835,290
Other Extramural Costs Not Funded from the Regional Allowance			
Total RST Costs	---	\$ 100,000	\$ 100,000
Subtotal, Extramural Costs	\$ 50,000	\$ 2,885,290	\$ 2,935,290
20% Extramural Cost Contingency	---	\$ 577,058	\$ 577,058
TOTAL DIRECT EXTRAMURAL COSTS	\$ 50,000**	\$ 3,462,348	\$ 3,512,348

** This figure does not include \$50,000 of intramural costs that were authorized in the 1989 Action Memorandum which provided a total project ceiling of \$100,000. However, due to administrative changes in EPA's cost accounting procedures and the need to comply with current Action Memorandum guidance, the \$50,000 in previous intramural costs is not shown on the table. The \$50,000 is included in the Direct Intramural Cost shown on the table in Section IX titled Enforcement.

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Delayed action, or no action, could result in the further release of hazardous substances into the environment by continued off-site migration of hazardous substances and by exposing individuals who enter the Site to hazardous substances.

VIII. OUTSTANDING POLICY ISSUES

There are no known outstanding policy issues associated with the Site at the present time.

IX. ENFORCEMENT

EPA is conducting an investigation and search for potentially responsible parties ("PRPs") for the Site. There have been no CERCLA Request for Information Letters or Notice of Potential Liability Letters issued to date.

EPA's Total Estimated Project-Related Costs

The total EPA cost for this removal action based on full-cost accounting practices that will be eligible for cost recovery is estimated to be \$4,648,640 and was calculated as follows:

Cost Category	Amount
Direct Extramural Cost	\$3,450,000
Direct Intramural Cost	\$200,000
Subtotal Direct Costs	\$3,650,000
Indirect Costs (Indirect Regional Cost Rate 27.36%)	\$998,640
Estimated EPA Costs Eligible for Cost Recovery	\$4,648,640

This estimate includes direct costs, which include direct extramural costs and direct intramural costs, and indirect costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with full cost accounting methodology which became effective on October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of the removal action. The estimates are for illustrative purposes only and their use in this Action Memorandum may not be relied upon by any third party as binding upon EPA. Neither the lack of a total cost estimate nor deviation of actual costs from this estimate will affect the United States' right to cost recovery.

X. RECOMMENDATION

This decision document represents the selected removal action for the Tidewater Baling Site located in Newark, Essex County, New Jersey, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the Administrative Record for the Site. If approved, the total Direct Extramural project ceiling would be increased

to \$3,512,348, of which \$2,835,290 would be for mitigation contracting. Please confirm your approval of the ceiling increase and 12-month exemption and \$2 million exemption for the Site, as per delegation of authority, by signing below

Approved:

Alan J. Steinberg
Alan J. Steinberg
Regional Administrator

Date:

3-12-08

Disapproved:

Alan J. Steinberg
Regional Administrator

Date: _____

cc: (after approval is obtained)

G. Pavlou, ERRD-D
S. Janowiak, ERRD-ADD
J. Rotola, ERRD-RAB
D. Harkay, ERRD-RAB
B. Grealish, ERRD-RAB
C. Petersen, ERRD-NJRB
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